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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,557	08/31/2006	Robert Nientiedt	2003P19363WOUS	4806

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER	
CHUGHTAI, SARWAT	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,557	NIENTIEDT, ROBERT	
	Examiner	Art Unit	
	Sarwat Chughtai	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-23* is/are allowed.

6)☒ Claim(s) *24-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Response to Arguments

Applicant's arguments filed 05/21/2010 have been fully considered but they are not persuasive.

The applicant argued features i.e., plurality of base stations communicatively connected to the evaluation unit and operating in a normal operating mode, and are consecutively switched, one at a time, from the normal operating mode to a measuring operating mode, and the measuring one switched base station in the measuring operating mode measures (a) a field strength of each of the base stations the locally adjacent to it, with the locally adjacent base stations in the normal operating mode, and (b) a quality of synchronicity between the one switched base station and each of the locally adjacent base station with the locally adjacent base stations in the normal operating mode base station and the measuring base station is synchronized with the locally adjacent base station, and the evaluation unit receives the measured field strength and measure of synchronicity quality for evaluation and as follows.

Solondz is discussing the method in which the mobile terminals in the coverage areas of other base stations or is using other base stations to make operational measurements of the signals transmitted by the base station of interest. Solondz is further discusses, plurality of cells and each cell includes a base station. The MSC communicates with each base station and local exchange

network. The MSC has an additional main control unit (MCU) when formed as part of MSC it utilizes the memory and the user interfaces supplied by the MSC. When formed separately from the MSC, the MCU includes a user interface, memory and interface for interfacing with the MSC. Therefore Solondz is showing the limitation “plurality of base stations communicatively connected to the evaluation unit and operating in a normal operating mode". Solondz discusses a base station of interest or MCU generates a measurement request. The measurement request indicates the downlink operatinal measurements to be made and also identifies which base stations should receive the request. A dummy or reserve channel or even locking the channel can be implied by the base station of interest to serve as the identified signal for the duration of measurement. Therefore Solondz is showing the limitation “consecutively switched, one at a time, from the normal operating mode to a measuring operating mode”. Solondz discloses, a base station of interest generates a measurement request. The measurement request indicates the downlink operational measurements to be made and identifies which base stations should receive the measurement request identifies the signal transmitted by the base station of interest. The identified base stations sends the received results and the associated location information to the MCU and the MCU create a map of received results based on the location information associated with each measured results and if the cell sites include a multi-sector system, then the measurement request also identifies which sector or sectors in which the measurement should be made. The operation measurements include at least

one of signal strength, signal-to-noise ratio, frame error rate and bit error rate of said signal transmitted. Therefore Solondz is showing the limitation "and the measuring one switched base station in the measuring operating mode measures (a) a field strength of each of the base stations the locally adjacent to it, with the locally adjacent base stations in the normal operating mode, and (b) a quality of synchronicity between the one switched base station and each of the locally adjacent base station with the locally adjacent base stations in the normal operating mode base station and the measuring base station is synchronized with the locally adjacent base station". Solondz discusses, the identifies base stations sends the results and calculated average value to MCU. As a result, Solondz shows the limitation "the evaluation unit receives the measured field strength and measure of synchronicity quality for evaluation".

Therefore the argued features are or are so similar they are reading upon Solondz.

As a result the claims stand as follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Solondz (US 6,862,447 B1).

Regarding claim 24, Solondz discloses, an arrangement for detecting a radio coverage in a multicellular mobile radio system **(See Abstract and Column 1, Lines 8-11; whereas Solondz discloses, the method in which the mobile terminals in the coverage areas of other base stations or is using other base stations to make operational measurements of the signals transmitted by the base station of interest in a wireless communication system)**, comprising:

an evaluation unit **(See Column 3, Lines 1-6 and Figure 1; whereas Solondz discloses, main control unit (MCU))**; and

a plurality of base stations communicatively connected to the evaluation unit **(See Column 2, Lines 66-67- Column 3, Lines 1-12 and Figure 1; whereas Solondz discloses, plurality of cells, each include base station and the MSC communicates with each base station. The MSC has an addition which is the MCU)**, the plurality of base stations operating in a normal operating mode **(See Column 3, Lines 23-46)**, including, according to a first configuration:

wherein the plurality of base stations are consecutively switched, one at a time, from the normal operating mode to a measuring operating mode **(See Column 5, Lines 26- 42 and Figure 5; whereas Solondz discloses, the identified base stations make the operational measurements)**,

wherein the measuring one switched base station in the measuring operating mode measures

(a) a field strength of each of the base stations the locally adjacent to it **(See Column 3, Lines 23-46 and Figure 2)**, with the locally adjacent base stations in the normal operating mode **(See Column 3, Lines 23-46 and Figure 2; whereas Solondz discloses, a base station of interest generates a measurement request. The measurement request indicates the downlink operational measurements to be made and identifies which base stations should receive the measurement request)**, and

(b) a quality of synchronicity between the one switched base station and each of the locally adjacent base stations **(See Column 3, Lines 23-46 and Figure 2; whereas Solondz discloses, a base station of interest or the MCU generates a measurement request)**, with the locally adjacent base stations in the normal operating mode base station **(See Column 3, Lines 23-46 and Figure 2; whereas Solondz discloses, The measurement request indicates the downlink operational measurements to be made and identifies which base stations should receive the measurement request and identifies the signal transmitted by the base station of interest to measure)** and the measuring base station is synchronized with the locally adjacent base station **(See Column 5, Lines 5-25; whereas Solondz discloses, the identified base stations sends the received results and the associated location information to the MCU and the MCU create a map of received results based on the location information associated with each measured results)**, and

wherein the evaluation unit receives the measured field strength and measure of synchronicity quality for evaluation **(See Column 5, Lines 5-25 and Figure 5)**.

Regarding claims 25 and 30, Solondz discloses, wherein each measured field strength is provided to the evaluation unit with an identification of the measured base **(See Column 4, Lines 1-6)**.

Regarding claims 26 and 31, Solondz discloses, herein the evaluation unit modifies the mobile radio system based on a result of the evaluation **(See Column 5, Lines 5-24)**.

Regarding claims 27 and 32, Solondz discloses, wherein the evaluation unit creates a field strength map for determining the position of a mobile unit **(See Column 5, Lines 5-24 and Figure 5; whereas Solondz discloses, MCU may then create a map of the received results based on the location information associated with each measurement results)**.

Regarding claims 28 and 33, Solondz discloses, wherein the mobile radio system is designed in accordance with a Digital Enhanced Cordless Telecommunications standard **(See Abstract; whereas Solondz discloses, mobile terminal).**

Regarding claim 29, Solondz discloses, wherein the radio coverage is detected in cycles, and wherein a result of the current evaluation is compared with a result of a previous evaluation of measured field strength **(See Column 4, Lines 39-46)**.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarwat Chughtai whose telephone number is (571)270-7272. The examiner can normally be reached on Monday-Thursday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarwat Chughtai/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617